

DISBARMENT PROCEEDINGS.

CASE OF B. B. EVANS IS BEFORE SUPREME COURT.

Highest Tribunal Makes Investigation of Charges by J. Fraser Lyon, Former Attorney General.

The State.

A mass of testimony was given at the hearing on the disbarment proceedings against Barnard B. Evans, attorney, of Columbia before the supreme court yesterday. The entire morning session was consumed with the presentation of the case against Evans. The afternoon session was given up to the testimony of the witnesses for the defense. The hearing will be continued at 10 o'clock this morning in the supreme court at the State house. There were many present at the hearing yesterday. Evans is represented by C. P. Sanders of Spartanburg and P. H. Nelson of Columbia. The prosecution is being conducted by Wade Hampton Cobb, solicitor. J. Fraser Lyon, former attorney general, who brought the proceedings, was present at both sessions yesterday.

Following the reading of the complaint attorneys for the defense made a motion to quash the proceedings. After considerable argument the court ruled that the hearing must proceed. The main contention of the attorneys for the defense was that the proceedings should be quashed, because the information given as to the action of Evans was not based on a resolution of a bar association; that it was not verified and that the charges in the complaint should be presented to a grand jury and not to the supreme court.

"The charge of the court is against the motion to quash," said C. A. Woods, acting chief justice, following a conference with the associate justices.

Following the ruling of the court C. P. Sanders read the return of Evans. The court decided to eliminate the hearing on acts charged against Evans before he was admitted to the bar. The court took under consideration the question of admitting the testimony relative to the charges against three Saluda county citizens by Evans during a campaign speech at Spartanburg last summer and at the afternoon session excluded the testimony.

The first witness called for the prosecution was George P. Salter of Saluda. He gave testimony relative to a check for \$198.90. Evans is alleged to have signed and collected. This check was drawn by Frank & Sons of Augusta, and according to testimony was to have been paid by Evans to Salter, who had borrowed some money to pay a mortgage. The witness said that Evans gave him his personal check for a larger amount and that it was later turned down. Frank & Sons later made the amount good to Mr. Salter. He said that Frank & Sons sent him a copy of the original check, with Evans' name signed to it.

J. J. Robinson of Columbia told of cashing the check for \$198.90 for Evans and said that it was later turned down. He said that he later put the check in the hands of a local attorney and that John Gary Evans of Spartanburg, brother of Barnard B. Evans, paid the amount. Considerable time was consumed by the various witnesses in giving testimony as to this check. George R. Rembert said that as attorney for Mr. Robertson he had collected the amount on the check. He said that he had notified Barnard B. Evans that the check had been returned and that later John Gary Evans paid the full amount.

T. E. Dowling, a druggist of Saluda, gave testimony relative to a claim of \$103 of the Murray Drug Company of Columbia which Evans is alleged to have collected. Mr. Dowling said that the amount of his bill with the Columbia concern was \$129 and that Evans had told him that Dr. Murray had agreed to reduce the amount to \$103. The witness said that he had paid Evans a total of \$103 in small amounts and had received several receipts and a general receipt. He had the bill marked paid. Dr. W. J. Murray of the Murray Drug company gave testimony that the Dowling claim had been placed in the hands of Evans for collection, but that Evans had not returned the money collected. Dr. Murray said the claim was then placed in the hands of a Columbia law firm and that later John Gary Evans of Spartanburg had paid the amount. Dr. Murray said that he had never authorized a reduction of the claim. Walter T. Green of Columbia said that the claim against Evans for \$103 had been placed with the firm he represented and that it was never collected. J. Nelson Frierson of the law firm of Barron, Moore, Barron & McKay said that John Gary Evans had paid the amount, the claim having been placed with his firm for collection.

H. N. Edmunds, Robert Moorman, G. Duncan Bellinger, Jr., Beverly Herbert, James H. Fowles, Jr., D. W. Robinson, attorneys of Columbia in reply to questions as to the reputation

BELGIUM STRIKERS WIN.

GOVERNMENT PREPARED TO ACCEPT FRANCHISE SYSTEM.

Adoption of Conciliatory Resolution by Chamber of Deputies Will End the Great Strike and Business Paralysis Will be Relieved.

Brussels, April 26.—Opinion in general political circles is that at the session of the chamber of deputies Tuesday the government will be prepared to accept the conciliatory motion of the Liberal leader, M. Masson. This provides that if the parliamentary committee recently appointed to consider the reform of the provincial and communal franchise system involves a plan which appears to be a manifest improvement on the present methods, then the advisability of revising parliamentary elections along the same lines shall immediately be considered.

The adoption of this motion by the chamber would mean the end of the strike which is paralyzing Belgium's industries—a strike which, judging from present indications, has not yet reached anything like high water mark. It is known that several of the more moderate clerical deputies do not sympathize with the government's uncompromising attitude. The clerical deputy, M. Goblet of Mons, said today:

"I was prepared last Friday to support M. Masson's motion if it had been put. I sincerely hope that it will be adopted on Tuesday."

of Barnard B. Evans as to "honesty and veracity," said that it was "bad." The attorneys for the defense questioned these witnesses as to what they had heard. Several specific instances were given by the witnesses as to alleged wrongdoing on Evans' part. Several said that they had heard many attorneys give opinions on Evans. R. W. Shand, senior member of the Columbia bar, knew nothing of Evans' reputation except that "it was not very good in the matter of collecting money for other people." J. A. Carson and E. P. Berry and M. P. Pitts, all of Saluda, said that the reputation of Evans "was not very good."

At the afternoon session the supreme court ruled that it was not necessary for the prosecution to put up witnesses relative to the charges by Evans in the campaign last summer against several citizens of Saluda county. The court held that inasmuch as the return did not deny the charges, that they were admitted, and as there was no issue of fact that the testimony would be excluded. The attorneys for the defense stated that they did not mean to admit the facts in the return. After some discussion it was decided to amend the return by inserting a statement that Evans believed the charges when he made them and that he did not make them with malice.

Following the ruling by the court several witnesses for the prosecution gave testimony. B. F. Sample, sheriff of Saluda; B. W. Crouch, attorney, and E. W. Able, attorney denied the charges made by Evans in his Spartanburg speech.

The testimony of these witnesses closed the case of the State.

Several witnesses were then called by the defense to testify as to the reputation of Barnard B. Evans. The following witnesses gave testimony, saying that they would "believe him on his oath." John T. McCain, J. L. Minnaugh, N. W. Brooker, F. C. Bigby, S. J. Miller, John Civil, F. S. Earle, Samuel Owings, W. W. Bruce, Lawson D. Melton, Mrs. Scott Brown, W. L. Smoak, W. J. Blackman.

John Gary Evans of Spartanburg a brother of Barnard B. Evans, gave testimony for the defense. He said that he had paid the two claims made against his brother and had never questioned either one. He said that his brother had not been notified of the payment of the claims. He said that the claim for \$103 had been paid because he did not wish a disagreement between his brother and Dr. W. J. Murray.

Barnard B. Evans, taking the stand, made answer to the charges contained in the complaint. He reiterated his charges against B. W. Crouch, B. F. Sample and E. W. Able. In reply to the charge contained in the complaint that during the year 1906 J. Frank & Sons of Augusta sent to him their check for \$198.90, payable to Geo. L. Salter, and that this check was not delivered, the following reply was made by Evans in his return: "That at said times this respondent was practicing law in the county of Saluda, and, while so doing acted as agent for quite a number of persons who desired to borrow money, among them being the afore-said Geo. L. Salter. That as such agent he negotiated loans and borrowed money for quite a number of persons from the said J. Frank & Sons. That in this particular instance he indorsed the check 'as attorney in fact' for said Geo. L. Salter and as he honestly thought and believed and believes he was authorized to do in this particular instance; that

ALLIES ACCEPT TERMS.

RESERVE SOME QUESTIONS FOR FUTURE SETTLEMENT.

Balkan States Refuse to Concede Everything European Concert Demands at Once.

Athens, April 21.—The reply of the Balkan allies was presented to the European powers today. It is a general acceptance of difference between Turkey and allies, with the reservation, however, that the questions of disposal of the Aegean Islands and the delimitation of the frontiers of Thrace and of the future state of Albania shall be left open for debate between the allies and the powers during negotiations.

CUTS ALL COMMUNICATION.

Montenegrin Government Allows No Telegrams to Pass.

London, April 22.—The Cetinje correspondent of The Times by indirect route telegraphed that the Montenegrin government had stopped all communication between Montenegro and the outside world. No telegrams are being accepted. It is believed that the decree of isolation is connected with negotiations for the surrender of Scutari.

ULTIMATUM TO MONTENEGRO.

Commander of International Fleet Menaces Mountain Kingdom.

Antivari, Montenegro, April 21.—An ultimatum was sent to Montenegro today by the commander of the international fleet blockading the coast. It declares that, unless Montenegro immediately withdraws her troops from Scutari, the fleet will land troops at Antivari, Dulcigno and San Giovanni di Midua. An officer was landed at Carraro and conveyed the ultimatum to Cetinje.

ICE BLOCKS SHIPPING.

Threatens to Cause Trouble for Grain Boats on the Lakes.

Sault Ste. Marie, Mich., April 22.—A blockade of lake carriers equalling that of the spring of 1906, when large fleets both up and down bound were detained at the Soo and above White Fish Point for over a week by late ice, tonight bids fair to occur again this year. Approximately 123 grain boats are there, headed for Buffalo. The windrows of ice are 20 to 40 feet deep in places.

The food and fuel situation on the fleet standing at White Fish Point is causing an anxiety.

TROOPS TO STAY IN TEXAS.

Gen. Wood Declares Second Division of Army Will Remain Mobilized at Galveston and Texas City.

Galveston, Texas, April 22.—Maj. Gen. Leonard Wood, chief of staff, declared tonight that the second division of the United States army will remain mobilized at Galveston and Texas City "until the causes of the mobilization are removed."

"I do not know just how long the division will remain mobilized," he said, "nor does any other man know. The division will remain any length of time, from one week to one year. I am sure the stay will be a long one, six months or longer."

Gen. Wood, who is on a tour of inspection of border camps, visited Fort Crockett here today and expressed satisfaction with regard to camp conditions.

said check was delivered to one Robinson, a friend of this respondent, to be cashed by him, that said respondent paid to your respondent a part of the money on said check at one time, the balance being paid at other times. That after receiving the money he told Salter he was prepared to pay him the money, and Salter replied that the matter was in the hands of Mr. Crouch and there-after when he learned that the said check was in the hands of Mr. Rembert of the city of Columbia, he went to the office of said Rembert for the purpose of taking up the same, but found Mr. Rembert out of the office and for this reason did not then take said check as your respondent fully intended and proposed to do." It was further stated that his brother paid the amount of the check without his knowledge. He said in his return that "in indorsing said check and having the same cashed he was acting honestly and he verily thought and believed and had no intention of depriving either Mr. Salter or Messrs. Frank & Sons or Mr. Robinson of their money."

The witness answering the charge relative to the Murray claim for \$103, admitted that he was employed as agent to collect for the Murray Drug company and said that he had collected some money from Mr. Dowling of Saluda, but that it had been applied to other claims. He said that he gave the receipt in the name of the Murray Drug Company, but that the amounts collected had been sent to firms outside the State.

CALIFORNIA BENT ON TROUBLE

REPUBLICAN BULL MOOSE LEGISLATURE STRONGLY ANTI-JAPANESE.

There Appears to Be a Fixed Determination to Enact the Objectionable Law and Thereby Embroil Federal Government in Trouble With Japan.

Washington, April 22.—An exchange of telegrams between President Wilson and Gov. Hiram Johnson of California, expressing on one hand an appeal that no anti-alien legislation discriminatory against Japanese be passed and on the other assurance from California that no violation of treaty obligations was contemplated, left the White House and official circles tonight uncertain as to future developments.

Gov. Johnson's response to President Wilson's telegram of appeal was taken at the White House to be of a friendly and reassuring nature. When it was pointed out to officials that notwithstanding assurances that no treaty obligations would be violated Gov. Johnson had used in his telegram the language relating to aliens "ineligible to citizenship" in forecasting the kind of bill that would be passed, there was no disposition to regard the utterance as forecasting the passage of the assembly bill containing that phraseology against which Secretary Bryan in his first telegram to Gov. Johnson had registered a strong protest.

Later, however, news from Sacramento indicating that the California governor and legislators were bent on passing a bill specifically excluding from ownership of land all aliens ineligible to citizenship resulted in a general air of uncertainty with respect to developments in Sacramento.

In the event a bill is passed over the protest from Washington it has been suggested to the federal government that influential Democrats could bring about a referendum through which the people of California might vote on the merits of the proposed bill. As a last resort, however, a test case in the courts is confidently expected by legal advisers of the government here satisfactorily to clear up finally the entire question.

The president will discuss the situation fully tomorrow with the Democratic representative in congress from California.

OUTLINES HIS POLICY

Johnson Gives Definite View of His Administration's Plan.

Sacramento, Cal., April 22.—Through the exchange of today between President Wilson and Gov. Johnson the settled policy of the California administration on the question of alien land ownership, as agreed upon last Sunday, was officially made known.

Gov. Johnson and his party leaders in the senate favor a bill excluding from land ownership in the State all aliens ineligible to citizenship under the laws of the United States. Such a law probably will be passed in spite of the objections from Washington, it is believed.

The assertion is made by the governor that a State law of this nature would not be in contravention of any existing treaty right. He is upheld in this view by the majority leaders in the senate, who met with him today and agreed upon the form of the telegraphic reply to President Wilson's message sent today.

Opposition to the administration programme will come from the Democrats, aided by a few Republicans who are opposed to anti-alien legislation of any kind.

The Democrats will seek to strike out the words "ineligible to citizenship" in any bill considered, and on this point the real fight on the measure will be waged.

It is not expected that the Thompson-Birdsall bill will be reached on file until Thursday, and no action can be taken until that time.

President Wilson's message today called forth little comment. The Democratic minority already has formulated its view largely in accordance with the Bryan message that came last Saturday, and the Progressive-Republican majority as shown by Gov. Johnson's response, declined to consider the president's telegrams as a demand upon the legislature to enact a particular kind of bill.

WIRELESS MEN STUCK.

Call for Strike on Pacific Coast Went Unheeded.

Seattle, April 23.—The call for a strike of wireless telegraph operators of sea and shore on the Pacific coast to take effect last night was unheeded apparently by the operators, who have just been promised an increase of pay by the company which employs them. The Commercial Telegraphers' Union of America had recently taken many of the operators—75 per cent., the organizers say—into the union, but apparently the union men refused to strike.

ATTEMPT TO LYNCH NEGRO.

MOB MAKES MILD EFFORT TO TAKE NEGRO FROM JAIL.

Jailer Held and Door to Jail Battered In But Mob Rapidly Disperses at Coming of Two Officers.

Florence, April 21.—A mild mannered and lady-like mob of about 200 men went to the jail last night to take the negro, Herman Kelly, out and hang him for his attack on the wife of a prominent citizen and her son. They were not hard to rout, in fact they seemed to have left a trail that the police would have been asleep if they had not taken up and followed and Chief H. M. Brunson and Sergeant J. F. Turbeville single handed so thoroughly routed them from the jail that nothing has been heard of them since.

The component parts of the mob seemed to think that it was incumbent on them to make a demonstration and they did it. They went to the jail about 9.30 o'clock, while people were stirring in the city and got the jailer, Mr. Bryant, and held him in the yard, while the back door leading into the jail was battered in, its lock being broken. It is an ordinary door, not opening into the cells at all. By this time the police following them had arrived and after a gentle bluff or two the mob dispersed hurriedly.

This afternoon, in order to put temptation out of the way of someone who might be in earnest, Herman Kelly and the McIntosh boys were taken from the jail and carried to Columbia by automobile. They were tickled to death to get out of the jail, for they have been very badly scared since the attempt was made on the jail. All of the prisoners in there begged either to be put on the gang or sent to the penitentiary, but there will be no further trouble.

The two victims of the murderous assault are much better today.

BELGIUM STRIKE GROWING.

Estimated 500,000 are Now Idle in Cause of Manhood Suffrage.

Brussels, April 21.—While upwards of 500,000 men are on strike throughout the country, according to the estimates of the Socialists, both sides seem to be marking time in attention of the debate in the Chamber of Deputies tomorrow on the motion of the Liberal leader, M. Masson, looking to a compromise on the suffrage question.

The retail merchants' associations, of Belgium, with a membership of 120,000 small traders, have sent an appeal to all the Deputies in favor of a solution insuring permanent peace. The savings bank officials report there has been no more withdrawals than usual, is considered significant, as indicating that the strikers have not yet begun to use their savings and would be able to make a long fight.

Business in the theatres here dropped 55 per cent during the week.

The party which went to Brewington Tuesday report having had a most enjoyable fish stew and fry, although the weather was too cold for successful fishing. The fish had been caught the day before, and there were plenty on hand.

SCHOOL CHILDREN STRIKE.

DISLIKED SUPERINTENDENT — BURNED IN EFFIGY.

Disturbance at Pittsburg Designed as Protest Against Retention of Superintendent Heeter.

Pittsburg, April 22.—The strike of school children against S. L. Heeter as superintendent of the city's public school system, spread rapidly today and resulted in one death. A little girl was run down by a street car and killed during one of the demonstrations.

Beginning yesterday when hundreds of children remained away from school a protest against Heeter, who last Friday was acquitted by a jury of two serious charges preferred by a female domestic employed at his home, the strike gained great proportions today. In all parts of the city thousands of school children paraded the streets, tying up traffic at a number of busy points.

Police reserves were called out to maintain order. Late in the afternoon when the demonstrations had ceased the Pittsburg board of education held a meeting at which a committee of seven prominent men was asked to investigate the various alleged charges of immorality against Heeter. The committee follows: W. H. Stevenson, president of Chamber of Commerce; Valentine Barie, president Iron City Central Trades council; Bishop C. L. Whitehead of the Pittsburg diocese; A. Leo Weil, president of the Voters' League of Pittsburg; Bishop J. R. Canvin of the Pittsburgh Roman Catholic diocese; the Rev. Geo. W. Shelton, pastor of the Second Presbyterian church; the Rev. Dr. M. P. Levy, rabbi of Rodenh Shalom synagogue.

The unique strike caused the police considerable inconvenience. A score of the youthful marchers were detained at the various police stations until their parents could be notified. One little girl was run over and killed by a street car during the excitement occasioned by one of the parades.

Chas. McCool, aged 35, was arrested in front of a school building and charged with disorderly conduct. He is alleged to have been attempting to prevent children from entering school. William Slater, aged 67, was taken into custody charged with inciting a riot. Slater and several women attacked two officers who were breaking up banners carried by children inscribed "Kick Heeter Out." Banners of all descriptions, some of them inflammatory, are in evidence all over the city. At a number of points during the day Heeter was hanged and burned in effigy.

PRISONERS REACH NEW YORK.

New York, April 22.—After pursuing them for five months through several States in this county and a part of Canada, central office detectives arrived here tonight from Charleston, S. C., with Frank R. Tarbeaux and Alfred A. Carter, who are accused of having swindled G. M. Jones of Pittsburg out of \$20,000 and E. J. Pendleton of Washington D. C., out of \$55,000 by means of fake mining stock and wire tapping schemes.

Nomination Blank

To enter The ITEM'S PRIZE CONTEST, fill out this blank and send it to the office of the Contest Editor. You may nominate yourself or a friend.

The first of these blanks received will count for 5,000 votes.

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Mrs. or Miss

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